

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

In Re Mutual Funds Investment Litigation

This Document Relates
to All Tracks

**04-md-15861
04-md-15862
04-md-15863
04-md-15864**

Defendants' Motion to Dismiss the ERISA Class Complaints

Pursuant to Rules 8(a), 9(b), 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, the ERISA Defendants¹ move to dismiss all counts of all ERISA class actions filed in these consolidated actions.

In support of this Motion:

1. The ERISA Defendants will file within seven days (pursuant to leave granted by the Court) an omnibus memorandum of law in support of this Motion; and
2. Certain of the ERISA Defendants will file within seven days (pursuant to leave granted by the Court) supplemental memoranda and supporting affidavits or declarations.

WHEREFORE, the ERISA Defendants request:

1. That the ERISA Complaints in this MDL be dismissed with prejudice and without leave to replead;
2. Entry of judgment on their behalf;
3. Oral argument; and
4. Such other and further relief as the Court deems just and proper.

Respectfully submitted this 24th day of March, 2005.

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